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JUN 10 2008

OFFICE OF PETITIONS

In re Patent No. 7,285,097 : DECISION ON REQUEST FOR
Issued: October 23, 2007 : RECONSIDERATION OF PATENT
Application No. 10/798,784 : TERM ADJUSTMENT AND
Filed: March 12, 2004 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 030481-0216 : CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed November 13, 2007. Patentee requests that the patent term adjustment for the above-identified patent be set at 193 days.

The request for reconsideration of the patent term adjustment indicated in the patent is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of 193 days.

On October 23, 2007, Application No. 10/798,784 matured into Patent No. 7,285,097. The instant request for reconsideration filed November 13, 2007, was timely filed within two (2) months of the date the patent issued. See 37 CFR 1.705(d). Patentee disputes the reduction of 120 days associated with the filing of a "miscellaneous incoming letter" received in the Office on May 30, 2007. Patentee asserts that the paper filed on May 30, 2007, was a Letter of Candor and Good Faith, and therefore, no reduction is warranted under 37 CFR 1.704(c)(10).

A review of the PALM calculations for this application reveals that the patent term adjustment was reduced by 120 days for the submission of the "miscellaneous incoming letter." See 37 CFR

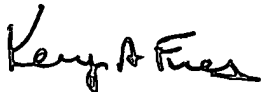
1.704(c)(10). However, a review of the application record confirms that no paper aside from the Letter of Candor and Good Faith was filed after the mailing of the notice of allowance. A Letter of Candor and Good faith is not a paper for which its filing is considered a "failure to engage in reasonable efforts" within the meaning of 37 CFR 1.704(c)(10). Thus, it is concluded that the reduction of 120 days is not warranted.

In view thereof, the patent term adjustment indicated in the patent should be **193 days**.

The \$200.00 fee set forth in 37 CFR 1.18(e) is unnecessary and will be refunded to the Deposit Account.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **193 days**.

Telephone inquiries specific to this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.



Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

PALM INTRANET

Day : Monday
 Date: 6/9/2008
 Time: 14:29:53

PTA Calculations for Application: 10/798784

Application Filing Date:	03/12/2004	PTO Delay (PTO):	218
Issue Date of Patent:	10/23/2007	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	120
Post-Issue Petitions:	0	Total PTA (days):	193
PTO Delay Adjustment:	95		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
63	06/09/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	120		
59	10/23/2007	PATENT ISSUE DATE USED IN PTA CALCULATION	36		51
58	09/20/2007	EXPORT TO FINAL DATA CAPTURE			
57	09/19/2007	DISPATCH TO FDC			
56	09/17/2007	MAIL-RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
56	09/17/2007	MAIL-RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
55	09/10/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		25	
55	09/10/2007	ADJUSTMENT OF PTA CALCULATION BY PTO			
54	05/30/2007	PETITION ENTERED			
53	05/30/2007	MISCELLANEOUS INCOMING LETTER		120	
52	05/22/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
51	05/17/2007	ISSUE FEE PAYMENT VERIFIED			
50	05/17/2007	ISSUE FEE PAYMENT RECEIVED			
49	04/28/2007	FINISHED INITIAL DATA CAPTURE			
48	03/30/2007	EXPORT TO INITIAL DATA CAPTURE			
47	03/27/2007	MAIL NOTICE OF ALLOWANCE			
46	03/26/2007	ISSUE REVISION COMPLETED			
45	03/26/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
44	03/19/2007	NOTICE OF ALLOWABILITY			
43	01/04/2007	DATE FORWARDED TO EXAMINER			
42	12/14/2006	RESPONSE AFTER NON-FINAL ACTION			

41	10/05/2006	MAIL NON-FINAL REJECTION			
40	09/27/2006	NON-FINAL REJECTION			
39	09/16/2006	DATE FORWARDED TO EXAMINER			
38	09/12/2006	RCE- AF PROCESSED			
37	09/16/2006	DATE FORWARDED TO EXAMINER			
36	09/12/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
35	09/16/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
34	09/12/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
33	09/12/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
32	08/22/2006	MAIL NON-FINAL REJECTION			
31	08/21/2006	NON-FINAL REJECTION			
30	08/10/2006	DATE FORWARDED TO EXAMINER			
29	08/03/2006	AMENDMENT AFTER FINAL REJECTION			
28	05/18/2006	MAIL FINAL REJECTION (PTOL - 326)			
27	05/15/2006	FINAL REJECTION			
26	05/02/2006	CASE DOCKETED TO EXAMINER IN GAU			
25	03/14/2006	PARALEGAL TD ACCEPTED			
24	10/25/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	07/27/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
22	03/10/2006	DATE FORWARDED TO EXAMINER			
21	02/10/2006	RESPONSE AFTER NON-FINAL ACTION			
20	02/10/2006	TERMINAL DISCLAIMER FILED			
19	10/25/2005	REFERENCE CAPTURE ON IDS			
18	10/25/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	11/10/2005	MAIL NON-FINAL REJECTION	182		-1
16	11/08/2005	NON-FINAL REJECTION			
15	11/02/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	07/27/2004	REFERENCE CAPTURE ON IDS			
13	07/27/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	11/02/2004	CASE DOCKETED TO EXAMINER IN GAU			
11	08/23/2004	APPLICATION RETURN FROM OIPE			

10	08/23/2004	APPLICATION RETURN TO OIPE			
9	08/23/2004	APPLICATION DISPATCHED FROM OIPE			
8	08/23/2004	APPLICATION IS NOW COMPLETE			
7	07/27/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
6	07/27/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
4	04/12/2004	CLEARED BY OIPE CSR			
3	04/12/2004	CASE CLASSIFIED BY OIPE			
2	03/30/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/12/2004	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,285,097 B2

DATED : Oct. 23, 2007

INVENTOR(S) : Tenerz et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 73 days

Delete the phrase "by 73 days" and insert – by 193 days--